

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

AUG 11 2006

Case No. 5567
Date Filed 8/5/06
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5567 MAP 69 TYPE Variance ELECTION DISTRICT 01

LOCATION 821 Woodmont Court, Joppa 21085

BY Todd Blazek and Dawn Peacher

Appealed because a variance pursuant to Section 267-36B Table VI of the Harford County Code to permit a shed to be located within the 25' front yard setback (5' proposed) in the R3 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Todd L. Blazek Phone Number 410-679-5403
Address 821 Woodmont Court Joppa MD 21085
Street Number Street City State Zip Code

Co-Applicant Dawn R. Peacher Phone Number 410-679-5403
Address 821 Woodmont Court Joppa MD 21085
Street Number Street City State Zip Code

Contract Purchaser n/a Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative n/a Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 821 Woodmont Court, Joppa, MD 21085

Subdivision Magnolia Farms

Lot Number 50

Acreage/Lot Size 7529 SF

Election District 01

Zoning R3

Tax Map No. 69

Grid No. 1C

Parcel 138

Water/Sewer: Private ☐

Public ☒

List ALL structures on property and current use: Residential home, fence & shed

Estimated time required to present case: 1/2 hour

If this Appeal is in reference to a Building Permit, state number 2005213B0180

Would approval of this petition violate the covenants and restrictions for your property? no

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☒ No ☐

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

We are requesting a variance to keep shed in existing location.

Justification

See attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Todd Blazek/Dawn Peacher
821 Woodmont Court
Joppa, Maryland 21085
410-679-5403

August 4, 2006

Department of Planning & Zoning
Zoning Enforcement Section
Harford County Government
220 South Main Street
Bel Air, Maryland 21014

Reference: Permit #05213B0180
Request for Variance

To Whom It May Concern:

We are requesting a variance for the location of an existing shed at 821 Woodmont Court.

We feel the property located at 821 Woodmont Court in Joppa, Maryland is unique because of being zoned with two front-yard setbacks. The front of the property is located on 821 Woodmont Court and the rear of the property faces Fort Hoyle Road.

Harford Counties Department of Planning and Zoning letter dated March 21, 2005 for Case No 5481 (Permit #2006017B0100) for the variance of a 6'-0" PVC privacy fence also stated this in their report as follows:

"The department finds that the subject property is unique. The lot is a double frontage lot. The house faces Woodmont Court and the area along Fort Hoyle Road serves as the applicants' rear yard. Across Fort Hoyle Road from the applicants' property is Magnolia Elementary School. The fence is being requested to provide privacy from traffic along Fort Hoyle Road and activities at the school. The fence will not have an adverse impact on traffic along the road. The Board of Appeals approved a similar request for a fence at 813 Woodmont Court. The applicants have submitted two letters from the Magnolia Farms Homeowners' Association. The first letter

indicated that the HOA has approved the proposed fence and the second is a letter of support submitted to the Zoning Hearing Examiner. "

The shed is currently sitting on a 3" deep white stone base with 6" x 6" pressure-treated stone barrier. (See Attachment No. 1)

The shed is currently located within a 6'-0" high white PVC privacy fence with a variance approved by Harford County (Variance #5481, Permit #2006017B0100, See Photo No. 4). The Magnolia Farms HOA has also approved the shed as it complies with all rules and regulations of our HOA. (Please refer to attached approval letter, dated August 8, 2005).

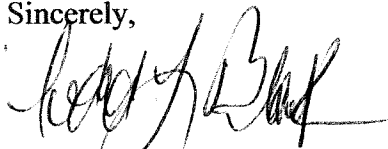
Please see below for the justification for the location of the existing shed.

1. Topography of the land slopes off 18" from back of house to the 25'-0" minimum building requirement line. (See Attachment No. 2 & 3)
2. Relocating the existing shed would create drainage issues to the neighbors at 823 Woodmont Court due to the topography of the land.
3. The house at 821 Woodmont Court is set back further (4'-0" to 6'-0") than other houses along Woodmont Court giving us less rear yard usage. (See Attachment No. 4)
4. Relocation of the shed would make it more visible to the neighbors at 823 Woodmont Court and passing motorists up and down Fort Hoyle Road and Trimble Road as well as to the new housing development that is currently under design going in behind Magnolia Farms Community.
5. The current location of the shed acts as an extra safety barrier due to the high traffic flow of cars in case of an accident on Fort Hoyle Road due to Magnolia Middle School and Joppatowne Recreation Council.
6. Due to being zoned as having two front yard setbacks there is 1500 square feet of back yard that is unable to be built on or used for such locations; and we are encumbered even further as having less back yard due to the 25'-0" setback.

7. With having the current 6'-0" PVC fence the shed cannot be relocated due to the fact that no equipment/vehicle can get in the back yard. The fence would then have to be taken down.
8. The shed is currently located out of the easement. (See attachment No. 5)
9. As stated in the attached documents the adjacent neighbors along Woodmont Court feel that keeping the current location of the existing shed does not create any undue hardship . The Magnolia Farms HOA also supports the shed in it's current location. (See attachments 6, 7, 8, 9 and 10)
10. The sheds current location does not interfere with motorists views.
(See attachment no. 11)
11. If relocated the shed would attract more attention for vandals and thieves, due to the increase in height due to the topography of the land.
12. The shed is less of a distraction in it's current location.

Therefore granting the requested variance would not detract from neighboring properties or motorists' view and it would enhance the safety and appearance of the Magnolia Farms Community.

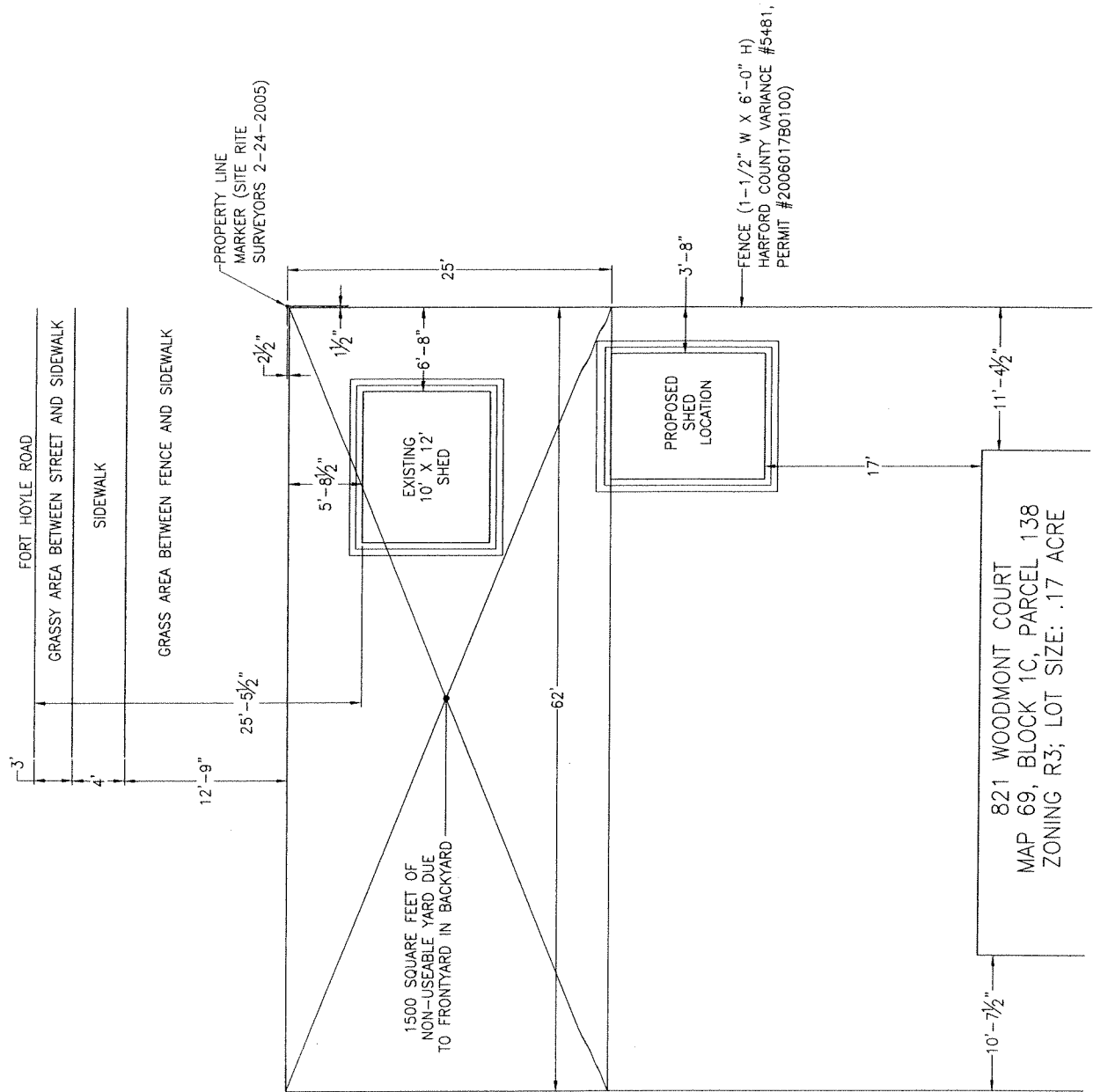
Sincerely,



Todd Blazek



Dawn Peacher



821 WOODMONT COURT
MAP 69, BLOCK 1C, PARCEL 138
ZONING R3; LOT SIZE: .17 ACRE

MAGNOLIA FARMS

HOMEOWNERS ASSOCIATION

Post Office Box 181 ** Joppa, MD 21085

July 21, 2006

County Council of Harford County, Maryland
Office of the Zoning Hearing Examiner
Bel Air, Maryland 21014

To Zoning Hearing Examiner,

This letter is written on behalf of the Magnolia Farms Homeowners' Association in regard to the property at 821 Woodmont Court. The issue surrounds a variance for the shed which is located on the property. The association wanted to write a letter to let the board know how it felt about the shed and to assist our neighbors, Dawn Peacher and Todd Blazek.


The association has no problem with the shed at 821 Woodmont Court. In accordance with the covenants of the Magnolia Farms Homeowners' Association, the homeowners requested approval for the shed through the Architectural Review Board of the HOA. Dawn Peacher and Todd Blazek made that written request and the shed was approved in March of 2005 and the shed was placed shortly thereafter. Other sheds of the same height and style are located throughout the Magnolia Farms community. The HOA is also aware of the setback requirements of the properties. We understand the uniqueness of our neighbors' property in that the homes backing along Trimble Road and Fort Hoyle Road are considered as having two front yards. Dawn and Todd's property has a slope in the backyard which was also considered in determining the location of the shed.

We believe the shed is in an excellent location. It does not obstruct any of the neighbor's views and is nestled neatly within their fence. Dawn and Todd consistently maintain their property and are an asset to the Magnolia Farms community. We are hoping that the issue of a variance will be granted and this issue can be resolved in a way that will not deter homeowners from improving their property. It is our goal to encourage property maintenance and to keep the community property values competitive.

If there is anything the Magnolia Farms Homeowners' Association can do to assist in this matter, please feel free to contact us at the above address or call our president, Donna Williams at 410-538-5587. We thank you for considering our position on this matter and wish you well in your decision making process.

Sincerely,

Magnolia Farms Homeowners' Association

Donna Williams, President 
Donna Minitor, Vice President
Allegra Hires, Secretary
Denise Gerber, Treasurer

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

October 3, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5567

APPLICANT/OWNER: Todd L. Blazek
821 Woodmont Court, Joppa, Maryland 21085

Co-APPLICANT: Dawn R. Peacher
821 Woodmont Court, Joppa, Maryland 21085

REPRESENTATIVE: Applicant

LOCATION: 821 Woodmont Court-Magnolia Farms
Tax Map: 69 / Grid: 1C / Parcel: 138 / Lot: 50
Election District: First (1)

ACREAGE: 7529 square feet.

ZONING: R3/Urban Residential District

DATE FILED: August 8, 2006

HEARING DATE: November 1, 2006

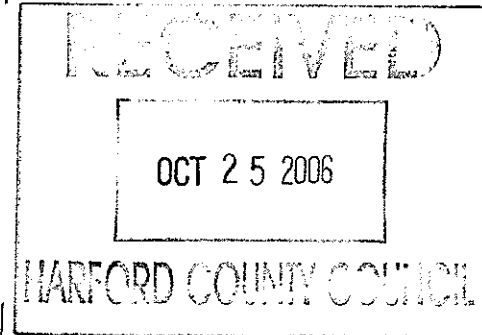
APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"We are requesting a variance to keep shed in existing location."

Justification:

See Attachment 1.



Preserving Harford's past; promoting Harford's future

STAFF REPORT

Board of Appeals Case Number 5567

Todd Blazek and Dawn Peacher

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CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to permit a shed to be located within the 25-foot front yard setback (5 foot proposed) in the R3/Urban Residential District.

Enclosed with the report is a copy of Section 267-36B, Table VI of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located in the southwest area of the County and is part of the single family development of Magnolia Farms. The subject property is bordered by 2-roads, Woodmont Road on the west side and Fort Hoyle Road on the east side. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

This area of the County is located within the Development Envelope. Land use designations in the area include: Low, Medium and High Intensities. Other land use designations include Industrial/Employment and Neighborhood and Community Centers. The Natural Features map reflects Chesapeake Bay Critical Area, Sensitive Species Project Review Areas, and stream systems. The subject property is located in the Medium Intensity area which is defined by the 2004 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The area contains both commercial and residential developments. Residential uses include single-family dwellings, townhouses, condominiums and garden apartments. Commercial and industrial uses include shopping centers, individual retail and service uses. Other land uses include schools, churches, a library and parks. The overall topography of the area ranges from gently rolling to steep especially along the stream valleys. Enclosed with the report is a copy of a topography map and aerial photograph (Attachments 7 and 8).

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Board of Appeals Case Number 5567

Todd Blazek and Dawn Peacher

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The Applicant's property is located on the east side of Woodmont Court and backs up to Fort Hoyle Road making it a double frontage lot. The lot is basically rectangular in shape with topography that is level with the road in front (Woodmont Court side) and slopes down in the rear towards Fort Hoyle Road. Fort Hoyle Road is a heavily used road providing access to 2 schools and activities on the ball fields. Improvements consist of a stone and frame split level single family dwelling, an attached 2-car garage, a deck attached to the rear at the main level of the dwelling, a blacktopped driveway, sliding glass doors under the deck from the lower level, and a white six foot fence to the rear of the dwelling that was the subject of Board of Appeals Case 5481 and a shed. Due to the topography the dwelling is 1 ½ stories out of the ground in the front and 2 ½ stories in the rear. The property is nicely landscaped and appears to be well maintained. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R4/Urban Residential Districts. Commercial zoning in this area of the County includes B2/Community Business and B3/General Business Districts. There are also areas of GI/General Industrial zoning. The subject property is zoned R3/Urban Residential District as show on the enclosed copy of the zoning map (Attachment 11)

Zoning History:

The Applicants property was the subject of a previous Board of Appeals Case (Case 5481). The Applicants were seeking a variance to construct a 6 foot fence within the recorded front yard setback along Fort Hoyle Road. The request was approved by the Board and became final on July 15, 2005 (Attachment 12).

During an inspection of the property the Department discovered that a shed was located in the front yard setback. Permit (05213B0180) was issued for the shed indicating the correct location outside of the front yard setback. The Applicant then located the shed only 5 feet from the property line. A pre-application meeting was held with the Applicant on January 25, 2006. Copies from the Enforcement file are enclosed with the report for informational purposes only (Attachment 13).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to permit a shed to be located within the 25-foot front yard setback (5 foot proposed) in the R3/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or

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Board of Appeals Case Number 5567

Todd Blazek and Dawn Peacher

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topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

Some of the lots along Fort Hoyle Road have been granted variances to construct 6 foot fences along the road to provide privacy to the rear of the dwellings. Fences are permitted within the front yard setback. These variances were only to allow the height of the fences to be increased to 6 feet. Given the traffic issues generated by the schools and activities on the school grounds these variances were justified. The shed is a structure that is clearly not permitted within the front yard setback. Further, the Applicant was made aware of this during the permitting process when the existing permit was issued for the shed to be located outside of the front yard setback. The Applicant states that getting equipment into the yard will be difficult due to the fence. However, there is a double gate providing access to the property.

The owner of the property at 825 Woodmont Court requested a variance for a carport and a shed to be located in the front yard setback along Fort Hoyle Road (Case 4934-Attachment 14). The variance was denied by the Board. The Board found that there was sufficient room on the property to locate the shed and carport without a variance. That shed is currently located outside of the front yard setback. The property owners at 817 Woodmont Court also have a shed that they have located outside of the front yard setback. Enclosed with the report is an aerial photograph displaying the Applicant's lot (high-lighted in yellow) and the adjacent properties (Attachment 15).

The Courts have stated that the need to justify a variance must be substantial and urgent and not merely for the convenience of the Applicant. The uniqueness of the property is one which is not shared by neighboring properties. The site plan submitted with the permit (Attachment 16) shows that the Applicants originally wanted to place the shed in its present location however it was crossed out on the plat and shown with hatch marks outside of the front yard setback. The site plan was initialed by the Applicant.

The Department finds that there are no topographic features or issue regarding the configuration of the property which justify the request. There are other locations available outside of the required setback. The property is not unique compared to the other lots along Fort Hoyle Road.

RECOMMENDATION and or SUGGESTED CONDITIONS:

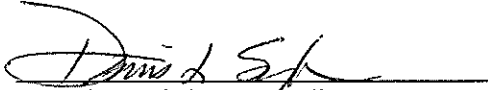
The Department of Planning and Zoning recommends that the requested variance be denied.

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Board of Appeals Case Number 5567

Todd Blazek and Dawn Peacher

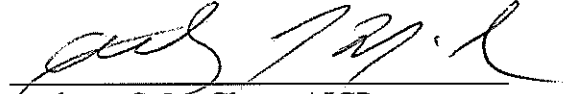
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Dennis J. Sigler, Coordinator

Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP

Deputy Director, Planning and Zoning